

## **REMARKS**

Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and the following remarks.

In the July 15, 2004 Office Action, the Examiner noted that claims 1-15 were pending in the application and that claims 1-15 were rejected. By this Amendment, claims 10, 11 and 12 are amended and claims 7, 8, 9 are cancelled. The specification has been amended to include Figure 8, which illustrates elements claimed in the originally filed claims. No new matter has been added by these amendments. Applicant believes that claims 1-6 and 10-15 are in condition for allowance. The Examiner's rejections are respectfully traversed below.

### **Objections to the Claims**

In the Office Action, the Examiner objected to claims 10 – 12, stating it was unclear whether the garment body could be varied in length and width by adjusting the garment body or whether the garment body could be made in various lengths and widths when manufactured. Claim 10-12 have been amended to clarify that the rectangular body can be made in various lengths and widths when manufactured. Support for these amendments can be found in paragraph [0019] of Applicant's specification.

In the Office Action, the Examiner also objected to claim 12, asking whether the term "width" in the claim should really be "length." Applicant respectfully submits that the claim is correctly written. "Length" and "width" are discussed, *inter alia*, in paragraph [0017] of Applicant's specification. "Length" and "width" are also illustrated in Figure 1 of Applicant's specification. Also, Applicant respectfully directs the Examiner's attention to the last two sentences of paragraph [0019] of Applicant's specification:

The width (15) of the wraparound garment will also vary depending on the desired dress-length of the wrap-around garment. For example, the hem-line of the wrap-around garment may be designed to end at mid-thigh, above the knee, below the knee, at the ankle, or any other desired dress-length.

Thus, Applicant respectfully submits that claim 12 needs no such correction.

### **Objection to the Drawings**

Applicant has amended the drawings by adding Figure 8. Applicants respectfully submit that the drawings now include every feature of the invention specified in the amended claims.

### **Rejection Under 35 U.S.C. §102(b) – U.S. Patent No. 4,688,282 (Jeffries)**

In the Office Action, the Examiner rejected claims 1, 2, 8, 9 and 14 under 35 U.S.C. § 102(b) as being anticipated by Jeffries (U.S. Patent No. 4,688,282). Jeffries is directed to bedding for children comprising a generally rectangular blanket having a plurality of fasteners thereon. *Col. 1, lns. 6-9 and 38-40*. According to Jeffries: “[f]ixed to the top edge 16 [of the blanket] by sewing or other suitable means are a pair of spaced apart straps 24, 26.” *Col. 2, lns. 15-17*. As can be seen from Figures 1A and 2A of Jeffries, these straps are not located on horizontally opposite corners of the length dimension of the rectangular blanket.

Applicant’s invention is directed to a wraparound garment comprising a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; wherein said pair of adjustable shoulder straps support and secure the wraparound garment upon a torso of a wearer. *See claims 1 and 14*. Further, Applicant’s invention is directed to a wraparound garment comprising: a rectangular body section having at least four edges; a pair of adjustable shoulder straps located

on horizontally opposite corners of the length dimension; a pair of openings formed by the attachment of the adjustable shoulder straps to said rectangular body section; wherein a wearer inserts an arm into one opening, wraps said rectangular body section completely around the torso, inserts the opposite arm into the second opening, and adjusts the shoulder straps. *See claims 2 and 14.*

By definition, a “garment” is an article of clothing: “The present invention provides for a quick and easy donning of and removal of a wraparound garment with no accidental or inadvertent unwrapping to expose a covered body portion.” *Paragraph [0015] of Applicant’s specification. See also paragraphs [0016], [0017] and [0020] of Applicant’s specification discussing the “clothing art.”*

Applicant’s claims are thus directed to an article of clothing, not bedding or a blanket. Jeffries does not disclose this required limitation of Applicant’s claims 1, 2 and 14, namely that of a wraparound garment. Thus, Jeffries cannot anticipate these claims.

Further, claims 1, 2 and 14 of Applicant’s of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Jeffries are located on the top edge of a length dimension of the rectangular blanket, not on the corners. *See Figures 1A and 2A and col. 2, lns. 15-17.* Thus, Jeffries also does not disclose this required limitation. Consequently, for this second reason, Jeffries cannot anticipate these claims.

Accordingly, withdrawal of the Examiner’s rejection is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) – U.S. Patent No. 3,582,993 (Keller) in view of U.S. Patent No. 6,186,861 (Flaherty)**

In the Office Action, the Examiner also rejected claims 1-4, 6-9 and 10-14 for obviousness under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,582,993 to Keller in view of U.S. Patent No. 6,186,861 to Flaherty. Keller is directed to a dress or like garment having a transparent outer wall and means forming compartments for readily replaceable opaque decorative inserts behind the transparent outer wall. *Col. 1, Ins. 12-15.* Keller requires the use of a closure to secure the garment on the wearer – and gives examples such as tie elements, a zipper, snaps or buttons. *Col. 3, Ins. 40-52.* As can be seen from Figure 2 of Keller, the wearer places her arms through the shoulder straps of the garment, then secures the garment behind her. Thus, the shoulder straps of Keller are not located on horizontally opposite corners of the length dimension of the rectangular body section of the garment. Instead, as illustrated in Figure 3 of Keller, the shoulder straps are located on the edge of a length dimension, not on the corners. This allows the garment to wrap around the back of the torso of the wearer.

**Claim 1 and claims 3-4, 6 and 10-14 as dependent on claim 1**

Applicant's invention is directed to a wraparound garment comprising a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; wherein said pair of adjustable shoulder straps support and secure the wraparound garment upon a torso of a wearer. *See claims 1, 3-4, 6 and 10-14.*

As discussed in Applicant's specification, one of the advantages of Applicant's invention is that it requires no complex securing devices or ties, making it easy to don and

remove, and because it does not use complicated securing or attaching means, it avoids the inadvertent display of a covered body portion. *See paragraphs [0003] and [0015]*. Applicant's invention only employs shoulder straps to secure the wraparound garment to the torso of the wearer. *See claims 1, 3-4, 6 and 10-14*.

Unlike the shoulder straps of Applicant's invention, the shoulder straps of Keller do not "secure the wraparound garment upon a torso of a wearer," as required by claims 1, 3-4, 6 and 10-14 of Applicant's invention. Without the use of a closure (*e.g.*, a tie, a zipper, snaps or buttons), the garment of Keller is not secured on the wearer. The shoulder straps of Keller are merely "suspension straps" which suspend the garment. *Col. 3, ln. 40*. Thus, Keller does not teach, disclose or suggest this required claim element.

Further, claims 1, 3-4, 6 and 10-14 of Applicant's of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3*. Thus, Keller also does not teach, disclose or suggest this required claim element.

Flaherty does not make up for the deficiencies of Keller. Flaherty discloses a bra with interchangeable and adjustable straps. *Col. 1, lns. 8-10 and col. 5, lns. 16-17*. Flaherty does not teach, disclose or suggest shoulder straps which secure the wraparound garment upon a torso of a wearer. Further, Flaherty does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. Thus, the combination of Flaherty with Keller would not render obvious claims 1, 3-4, 6 and 10-14 of Applicant's invention.

Accordingly, withdrawal of the Examiner's rejection of claims 1, 3-4, 6 and 10-14

is respectfully requested.

Claim 2 and claims 3-4, 6 and 10-14 as dependent on claim 2

Applicant's invention is further directed to a wraparound garment comprising: a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; a pair of openings formed by the attachment of the adjustable shoulder straps to said rectangular body section; wherein a wearer inserts an arm into one opening, wraps said rectangular body section completely around the torso, inserts the opposite arm into the second opening, and adjusts the shoulder straps. *See claims 2-4, 6 and 10-14.*

The wearer of the garment disclosed in Keller does not don the garment by inserting one arm through the first shoulder strap, wrapping the rectangular body section of the garment completely around the torso, and then inserting the other arm through the second shoulder strap, as required by claims 2-4, 6 and 10-14 of Applicant's invention. As discussed above, Keller merely discloses that the wearer places her arms through the shoulder straps of the garment, then secures the garment in the back of the torso. *See Figure 2.* In Applicant's invention, the requirement of claims 2-4, 6 and 10-14 of wrapping the rectangular body of the garment around the torso involves overlapping the garment in the front of the body. *See Figures 4-6 and Paragraph [0021].* Keller does not teach, disclose or suggest such a manipulation – the garment is not overlapped in front of the body. Instead the garment is merely secured behind the torso.

Further, claims 2-4, 6 and 10-14 of Applicant's of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps

of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3*. Thus, Keller also does not teach, disclose or suggest this required claim element.

Again, Flaherty does not make up for the deficiencies of Keller. Flaherty discloses a bra with interchangeable and adjustable straps. *Col. 1, lns. 8-10 and col. 5, lns. 16-17*. Flaherty does not teach, disclose or suggest that a wearer inserts an arm through the first shoulder strap of a garment, wraps the rectangular body section of the garment completely around the torso, and inserts the other arm through the second shoulder strap of the garment. Further, Flaherty does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. Thus, the combination of Flaherty with Keller would not render obvious claims 2-4, 6 and 10-14 of Applicant's invention.

Accordingly, withdrawal of the Examiner's rejection of claims 2-4, 6 and 10-14 is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) – U.S. Patent No. 3,582,993 (Keller) in view of U.S. Patent No. 3,304,942 (Hall)**

In the Office Action, the Examiner also rejected claims 1, 2 and 15 for obviousness under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,582,993 to Keller in view of U.S. Patent No. 3,304,942 to Hall. Keller is directed to a dress or like garment having a transparent outer wall and means forming compartments for readily replaceable opaque decorative inserts behind the transparent outer wall. *Col. 1, lns. 12-15*. Keller requires the use of a closure to secure the garment on the wearer – and gives examples such as tie elements, a zipper, snaps or buttons. *Col. 3, lns. 40-52*. As can be seen from Figure 2 of Keller, the wearer places her arms through the shoulder straps of the garment, then secures the garment behind her. Thus, the shoulder straps of Keller are not located on horizontally opposite corners of the length

dimension of the rectangular body section of the garment. Instead, as illustrated in Figure 3 of Keller, the shoulder straps are located on the edge of a length dimension, not on the corners. This allows the garment to wrap around the back of the torso of the wearer.

Claim 1 and claim 15 as dependent on claim 1

Applicant's invention is directed to a wraparound garment comprising a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; wherein said pair of adjustable shoulder straps support and secure the wraparound garment upon a torso of a wearer. *See claims 1 and 15.*

As discussed in Applicant's specification, one of the advantages of Applicant's invention is that it requires no complex securing devices or ties, making it easy to don and remove, and because it does not use complicated securing or attaching means, it avoids the inadvertent display of a covered body portion. *See paragraphs [0003] and [0015].* Applicant's invention only employs shoulder straps to secure the wraparound garment to the torso of the wearer. *See claims 1 and 15.*

Unlike the shoulder straps of Applicant's invention, the shoulder straps of Keller do not "secure the wraparound garment upon a torso of a wearer," as required by claims 1 and 15 of Applicant's invention. Without the use of a closure (*e.g.*, a tie, a zipper, snaps or buttons), the garment of Keller is not secured on the wearer. The shoulder straps of Keller are merely "suspension straps" which suspend the garment. *Col. 3, ln. 40.* Thus, Keller does not teach, disclose or suggest this required claim element.

Further, claims 1 and 15 of Applicant's of invention require that a pair of



adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3*. Thus, Keller also does not teach, disclose or suggest this required claim element.

Hall does not make up for the deficiencies of Keller. Hall discloses a slip having a stabilizing strap therein, specifically a topless slip with a stabilizing strap maintaining the garment in position and elastic material attached thereto for snugly embracing the body along the upper portions of the garment. *Col. 1, lns. 9-13*. Hall does not teach, disclose or suggest shoulder straps which secure a wraparound garment upon a torso of a wearer. Further, Hall does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of a wraparound garment. Thus, the combination of Hall with Keller would not render obvious claims 1 and 15 of Applicant's invention.

Accordingly, withdrawal of the Examiner's rejection of claims 1 and 15 is respectfully requested.

Claim 2 and claim 15 as dependent on claim 2

Applicant's invention is further directed to a wraparound garment comprising: a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; a pair of openings formed by the attachment of the adjustable shoulder straps to said rectangular body section; wherein a wearer inserts an arm into one opening, wraps said rectangular body section completely around the torso, inserts the opposite arm into the second opening, and adjusts the shoulder straps. *See claims 2 and 15*.

The wearer of the garment disclosed in Keller does not don the garment by inserting one arm through the first shoulder strap, wrapping the rectangular body section of the garment completely around the torso, and then inserting the other arm through the second shoulder strap, as required by claims 2 and 15 of Applicant's invention. As discussed above, Keller merely discloses that the wearer places her arms through the shoulder straps of the garment, then secures the garment in the back of the torso. *See Figure 2*. In Applicant's invention, the requirement of claims 2 and 15 of wrapping the rectangular body of the garment around the torso involves overlapping the garment in the front of the body. *See Figures 4-6 and Paragraph [0021]*. Keller does not teach, disclose or suggest such a manipulation – the garment is not overlapped in front of the body. Instead the garment is merely secured behind the torso.

Further, claims 2 and 15 of Applicant's of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3*. Thus, Keller also does not teach, disclose or suggest this required claim element.

Again, Hall does not make up for the deficiencies of Keller. Hall discloses a slip having a stabilizing strap therein, specifically a topless slip with a stabilizing strap maintaining the garment in position and elastic material attached thereto for snugly embracing the body along the upper portions of the garment. *Col. 1, lns. 9-13*. Hall does not teach, disclose or suggest that a wearer inserts an arm through the first shoulder strap of a garment, wraps the rectangular body section of the garment completely around the torso, and inserts the other arm through the second shoulder strap of the garment. Further, Hall does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular

body section of a wraparound garment. Thus, the combination of Hall with Keller would not render obvious claims 2 and 15 of Applicant's invention.

Accordingly, withdrawal of the Examiner's rejection of claims 2 and 15 is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) – U.S. Patent No. 3,582,993 (Keller) in view of U.S. Patent No. 6,186,861 (Flaherty) as applied to claims 1 and 2, and further in view of U.S. Patent No. 3,464,063 (Hoegerman)**

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In the Office Action, the Examiner also rejected claim 5 for obviousness under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,582,993 to Keller in view of U.S. Patent No. 6,186,861 to Flaherty as applied to claims 1 and 2, and further in view of U.S. Patent No. 3,464,063 to Hoegerman. Keller is directed to a dress or like garment having a transparent outer wall and means forming compartments for readily replaceable opaque decorative inserts behind the transparent outer wall. *Col. 1, Ins. 12-15*. Keller requires the use of a closure to secure the garment on the wearer – and gives examples such as tie elements, a zipper, snaps or buttons. *Col. 3, Ins. 40-52*. As can be seen from Figure 2 of Keller, the wearer places her arms through the shoulder straps of the garment, then secures the garment behind her. Thus, the shoulder straps of Keller are not located on horizontally opposite corners of the length dimension of the rectangular body section of the garment. Instead, as illustrated in Figure 3 of Keller, the shoulder straps are located on the edge of a length dimension, not on the corners. This allows the garment to wrap around the back of the torso of the wearer.

**Claim 5 as dependent on claim 1**

Applicant's invention is directed to a wraparound garment comprising a rectangular body section having at least four edges; a pair of adjustable shoulder straps located

on horizontally opposite corners of the length dimension; wherein said pair of adjustable shoulder straps support and secure the wraparound garment upon a torso of a wearer, and further comprising a slit in the bottom center of the rectangular body section. *See claim 5.*

As discussed in Applicant's specification, one of the advantages of Applicant's invention is that it requires no complex securing devices or ties, making it easy to don and remove, and because it does not use complicated securing or attaching means, it avoids the inadvertent display of a covered body portion. *See paragraphs [0003] and [0015].* Applicant's invention only employs shoulder straps to secure the wraparound garment to the torso of the wearer. *See claim 5.*

Unlike the shoulder straps of Applicant's invention, the shoulder straps of Keller do not "secure the wraparound garment upon a torso of a wearer," as required by claim 5 of Applicant's invention. Without the use of a closure (*e.g.*, a tie, a zipper, snaps or buttons), the garment of Keller is not secured on the wearer. The shoulder straps of Keller are merely "suspension straps" which suspend the garment. *Col. 3, ln. 40.* Thus, Keller does not teach, disclose or suggest this required claim element.

Further, claim 5 of Applicant's of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3.* Thus, Keller also does not teach, disclose or suggest this required claim element.

Flaherty does not make up for the deficiencies of Keller. Flaherty discloses a bra with interchangeable and adjustable straps. *Col. 1, lns. 8-10 and col. 5, lns. 16-17.* Flaherty does not teach, disclose or suggest shoulder straps which secure the wraparound garment upon a

torso of a wearer. Further, Flaherty does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. Thus, the combination of Flaherty with Keller would not render obvious claim 5 of Applicant's invention.

Hoegerman does not make up for the deficiencies of Keller and Flaherty. Hoegerman discloses a medical examination gown to be worn in wraparound relation to a patient's body and having overlapping front and rear skirt folds or flaps which may be individually folded aside to permit selective partial or total exposure of the lower anterior and posterior regions of the body. *Col. 1, lns. 12-16*. Hoegerman does not teach, disclose or suggest shoulder straps which secure the wraparound garment upon a torso of a wearer. Further, Hoegerman does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of a rectangular body section of a wraparound garment. Thus, the combination of Hoegerman with Keller and Flaherty would not render obvious claim 5 of Applicant's invention.

Claim 5 as dependent on claim 2

Applicant's invention is further directed to a wraparound garment comprising: a rectangular body section having at least four edges; a pair of adjustable shoulder straps located on horizontally opposite corners of the length dimension; a pair of openings formed by the attachment of the adjustable shoulder straps to said rectangular body section; wherein a wearer inserts an arm into one opening, wraps said rectangular body section completely around the torso, inserts the opposite arm into the second opening, and adjusts the shoulder straps, and further comprising a slit in the bottom center of the rectangular body section. *See claim 5*.

The wearer of the garment disclosed in Keller does not don the garment by

inserting one arm through the first shoulder strap, wrapping the rectangular body section of the garment completely around the torso, and then inserting the other arm through the second shoulder strap, as required by claim 5 of Applicant's invention. As discussed above, Keller merely discloses that the wearer places her arms through the shoulder straps of the garment, then secures the garment in the back of the torso. *See Figure 2*. In Applicant's invention, the requirement of claim 5 of wrapping the rectangular body of the garment around the torso involves overlapping the garment in the front of the body. *See Figures 4-6 and Paragraph [0021]*. Keller does not teach, disclose or suggest such a manipulation – the garment is not overlapped in front of the body. Instead the garment is merely secured behind the torso.

Further, claim 5 of Applicant's of invention require that a pair of adjustable shoulder straps be located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. As discussed above, the shoulder straps of Keller are located on the edge of a length dimension, not on the corners. *See Figure 3*. Thus, Keller also does not teach, disclose or suggest this required claim element.

Again, Flaherty does not make up for the deficiencies of Keller. Flaherty discloses a bra with interchangeable and adjustable straps. *Col. 1, lns. 8-10 and col. 5, lns. 16-17*. Flaherty does not teach, disclose or suggest that a wearer inserts an arm through the first shoulder strap of a garment, wraps the rectangular body section of the garment completely around the torso, and inserts the other arm through the second should strap of the garment. Further, Flaherty does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. Thus, the combination of Flaherty with Keller would not render obvious claim 5 of Applicant's invention.

Hoegerman does not make up for the deficiencies of Keller and Flaherty.

Hoegerman discloses a medical examination gown to be worn in wraparound relation to a patient's body and having overlapping front and rear skirt folds or flaps which may be individually folded aside to permit selective partial or total exposure of the lower anterior and posterior regions of the body. *Col. 1, lns. 12-16*. Hoegerman does not teach, disclose or suggest that a wearer inserts an arm through the first shoulder strap of a garment, wraps the rectangular body section of the garment completely around the torso, and inserts the other arm through the second shoulder strap of the garment. Further, Hoegerman does not teach, disclose or suggest shoulder straps which are located on horizontally opposite corners of the length dimension of the rectangular body section of the wraparound garment. Thus, the combination of Hoegerman with Keller and Flaherty would not render obvious claim 5 of Applicant's invention.

Accordingly, withdrawal of the Examiner's rejection of claim 5 is respectfully requested.

### **CONCLUSION**

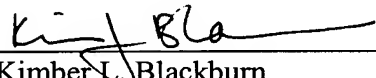
For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4099-4006US1.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4099-4006US1.

Respectfully submitted,  
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